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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,962	10/07/2003	Shlomo Touboul	FIN0006	6073

74877   7590   09/01/2009
King and Spalding LLP
1700 Pennsylvania Ave, NW
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Washington, DC 20006

EXAMINER
ANWARI, MACEEH

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 April 2009_.

2a) ☐ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-36,38-57,59,61-67,69-74,76,78-83 and 85-89_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) _1-36,38-57,59,61-67,69-74,76,78-83 and 85-89_ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication filed on 4/24/2009.

Election/Restrictions

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

       I.   **Claims 1-18 and 19-36**, are drawn to monitoring e-mail messages transmitted from senders to recipients for detection of e-mail messages having the electronic document embedded therewithin or attached thereto, based on the unique identifier, in order to limit access of the electronic document to authorized recipients, classified in class 709, subclass 206.

      II.   **Claims 38-47 and 48-57**, are drawn to monitoring transmitted network packets, for diction of network packets containing the electronic document, based on the unique identifier, in order to limit access of the electronic document to authorized recipients, classified in class 370, subclass 229.

      III.   **Claims 59, 61- 66 and 67, 69-74**, are drawn to scanning intercepted e-mail messages for the detection of specified electronic document embedded therein or attached thereto and examining a policy to determine whether or not transmission of the document to a recipient is permitted, if said scanning detects an e-mail message having the electronic document embedded therein or attached thereto; and causing transmission of the document to the recipient to be blocked, if said examining determines that transmission is not permitted, classified in class 709, subclass 207.

IV.   **Claims 76, 78- 82 and 83, 85- 89,** are drawn to scanning intercepted network packets containing a specified electronic document and examining a policy to determine whether or not transmission of the document to a recipient is permitted, if said scanning detects an e-mail message having the electronic document embedded therein or attached thereto; and causing transmission of the document to the recipient to be blocked, if said examining determines that transmission is not permitted, classified in class 370, subclass 351.

Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has a separate utility such as monitoring e-mail messages transmitted from senders to recipients; and subcombination II has separate utility such as monitoring transmitted network packets; and subcombination III has separate utility such as monitoring e-mail messages and examining a policy to determine whether or not transmission of the document to a recipient is permitted; and subcombination IV has separate utility such as scanning network packets and examining a policy to determine whether or not transmission of the document to a recipient is permitted. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the

allowable subcombination will be examined for patentability in accordance with 37 CFR

1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a

continuation or divisional application is anticipated by, or includes all the limitations of, a

claim that is allowable in the present application, such claim may be subject to

provisional statutory and/or nonstatutory double patenting rejections over the claims of

the instant application.

  Because these inventions are independent or distinct for the reasons given

above and there would be a serious burden on the examiner if restriction is not required

because the inventions require a different field of search (see MPEP § 808.02),

restriction for examination purposes as indicated is proper.

  Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims

encompassing the elected invention.

  The election of an invention or species may be made with or without traverse. To

reserve a right to petition, the election must be made with traverse. If the reply does not

distinctly and specifically point out supposed errors in the restriction requirement, the

election shall be treated as an election without traverse.

  Should applicant traverse on the ground that the inventions or species are not

patentably distinct, applicant should submit evidence or identify such evidence now of

record showing the inventions or species to be obvious variants or clearly admit on the

record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444